



CERTIFICATE OF MAIL (37 CFR 1.8(a))

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 4, 2004.

  
Laura Lee Mosier

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
PAUL MAGLIOCCO

Serial No.: 10/039,738

Filed: January 4, 2002

For: An Apparatus Having Pattern Scrambler  
For Testing A Semiconductor Device  
And Method For Operating Same

Art Unit: 2114

Examiner: LE, Dieu Minh T.

Date: November 4, 2004

TERMINAL DISCLAIMER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, a corporation duly organized under the laws of the State of California and having its place of business at 1901 Monterey Road, San Jose, California 95112, is the owner of 100 percent interest in and to the above-entitled application as evidenced by that certain assignment executed by Paul Magliocco in favor of Nextest Systems Corporation on February 15, 2002 and recorded on March 12, 2002 with the U.S. Patent and Trademark Office in Reel 012688, Frames 0962 through 0964. The evidentiary documents have been reviewed and to the best of Petitioner's knowledge and belief, title is in the Petitioner.

Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,754,868 issued June 22, 2004. Petitioner hereby agrees

that any patent so granted on the present application shall be enforceable only for and during such period that it and the above listed patents are commonly owned. This agreement runs with any patent granted on the above application and is binding on the grantee, its successor or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned, whose title is supplied below, is empowered to act on behalf of the corporation.

Dated: November 4, 2004

Sincerely,

DORSEY & WHITNEY LLP

  
Edward N. Bachand

Registration No. 37,085

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